

UNIVERSITY OF TEXAS  
SCHOOL OF LAW  
TARLTON LAW LIBRARY

No. 44810

IN THE  
SUPREME COURT OF DELAWARE  
1952 TERM

Office - Supreme Court, U.S.

FILED

NOV 13 1952

HAROLD B. WILLEY, Clerk

FRANCIS B. GEBHART, et al.,

*Appellants,*

vs.

ETHEL LOUISE BELTON, an Infant, by her Guard-  
ian ad Litem, Ethel Belton, et al.,

*Appellees.*

No. 15

FRANCIS B. GEBHART, et al.,

*Appellants,*

vs.

SHIRLEY BARBARA BULAH, an Infant, by her Guard-  
ian ad Litem, Sarah Bulah, et al.,

*Appellees.*

No. 16

ETHEL LOUISE BELTON, an Infant, by her Guard-  
ian ad Litem, Ethel Belton, et al.,

*Plaintiffs-Appellants,*

vs.

FRANCIS B. GEBHART, et al.,

*Defendants-Appellees.*

No. 17

SHIRLEY BARBARA BULAH, an Infant, by her Guard-  
ian ad Litem, Sarah Bulah, et al.,

*Plaintiffs-Appellants,*

vs.

FRANCIS B. GEBHART, et al.,

*Defendants-Appellees.*

No. 18

APPENDIX OF APPELLEES (PLAINTIFFS BELOW)  
AND PLAINTIFFS-APPELLANTS

On Appeal from the Court of Chancery, New Castle County

LOUIS L. REDDING

JACK GREENBERG

*Counsel for Appellees (Plaintiffs below)  
and Plaintiffs-Appellants.*



INDEX

	PAGE
Relevant Docket Entries.....	1a
Complaint .....	3a
Exhibit 1.....	12a
Exhibit 2.....	13a
Answer .....	14a
Pre-Trial Order.....	18a
Relevant Docket Entries.....	21a
Complaint .....	22a
Exhibit 1.....	32a
Exhibit 2.....	33a
Exhibit 3.....	35a
Exhibit 4.....	36a
Exhibit 5.....	37a
Answer .....	38a
Pre-Trial Order.....	42a
Transcript of Testimony.....	45a
Opinion .....	189a
Order .....	208a
Notice of Appeal.....	210a
Notice of Cross-Appeal.....	212a

UNIVERSITY OF TEXAS  
SCHOOL OF LAW  
TARLTON LAW LIBRARY

ii

PLAINTIFFS' WITNESSES

	PAGE
Ethel Louise Belton:	
Direct.....	46a
Cross .....	49a
Redirect.....	50a
Ethel Belton:	
Cross .....	51a
Sarah Bulah:	
Direct.....	51a
Stephen J. Wright:	
Direct.....	55a
Cross .....	66a
Fredrie Wertham:	
Direct.....	69a
Ellis O. Knox:	
Direct.....	97a
Paul F. Lawrence:	
Direct.....	101a
Redirect.....	121a
Rebuttal—Direct.....	185a
Cross .....	186a
Otto Klineberg:	
Direct.....	121a

	PAGE
Jerome S. Bruner:	
Direct.....	123a
George A. Kelly:	
Direct.....	129a
Ardwin J. Dolio:	
Direct.....	133a
Dan W. Dodson:	
Direct.....	137a
Maurice E. Thomasson:	
Direct.....	143a
John Kenneth Morland:	
Direct.....	146a
George Gorham Lane:	
Direct.....	151a
Frederick B. Parker:	
Direct.....	154a
Cross .....	157a
Kenneth Clark:	
Direct.....	168a



UNIVERSITY OF TEXAS  
SCHOOL OF LAW  
TARLTON LAW LIBRARY

iv

DEFENDANTS' WITNESSES

	PAGE
Ward I. Miller:	
Cross .....	158a
Harvey E. Stahl:	
Direct.....	162a
Cross .....	163a
Redirect.....	164a
George A. Johnson:	
Cross .....	165a
Harry B. King:	
Cross .....	172a
Rene L. Herbst:	
Cross .....	175a
Robert C. Stewart:	
Cross .....	175a
John Shilling:	
Direct .....	177a
George R. Miller, Jr.:	
Cross .....	177a
Recross .....	185a

One, Beauty Culture in the senior high school. One, Physical Education in the entire setup. One, woodwork in the junior high school. And the one whose status is in doubt teaches Auto Mechanics in the senior high school.

\* \* \* \* \*

[582] KENNETH CLARK, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

*Direct examination by Mr. Redding.*

Q. Dr. Clark, what is your occupation at present? A. I am Assistant Professor of Psychology at the College of the City of New York and Associate Director of the North Side Center for Child Development.

Q. Speak a little louder, please. What formal education did you have to prepare you for the position of Assistant Professor of Psychology of the College of the City of New York? A. The public schools of New York City, Bachelor's and Master's at Howard University in Washington in 1935 and 1936, a Ph.D. from Columbia University in 1940.

Q. How long have you been at the College of the City of New York as a member of the faculty? A. Since 1940, with some time out since then for other [583] research jobs and other things.

Q. What other employment have you had? A. You mean continuously?

Q. What other employment have you had since 1940? A. Well, I have worked for the Government in the Office of War Information.

Q. What was your position there? A. The position was psychologist concerned with problems of morale among minority group peoples. I was in analyzing the factors involved in the wartime morale of Negroes, in the Intelligence Bureau of the Office of War Information. I have worked with the Koenig-Murdol study of the Negro in



America, and I have worked with the American Youth Commission in their study of the effects of minority status on the personality of Negro youth. I have worked with the American Jewish Congress, and the American Jewish Committee, directing and analyzing data relevant to inter-group problems and inter-group tensions.

Now, some of these jobs took me away from the College for as long as a year or so.

Q. Then you have made studies of the effect of segregation and discrimination of minority groups? A. Yes, and their reactions.

Q. And on the individual members of such groups? [584]  
A. Yes.

506

Q. Did you make any studies which would be particularly relevant to the residents of Wilmington or New Castle County? A. Yes.

Q. When did you make such studies? A. The early part of September, at the request of Mr. Greenberg, I came to Wilmington and tested 41 students in the Howard High School, I think, in Wilmington, with some tests which we had previously used in research with Negro children trying to determine what effects prejudice and discrimination and segregation had.

Q. Will you explain your test to the court? A. I will. These are tests which fall in the general category of projective tests. A projective test is an attempt on the part of psychologists to—it is a method by which a psychologist attempts to find out how a person feels or what he feels about certain things which might have emotional complications which a direct question that is clearly related to what you are concerned with might not bring out, by virtue of the emotional tie-up. So the psychologist has devised techniques whereby one can get at these problems and feelings, and in a way which gives them to you by the individual himself showing you how he feels about the material that you present [585] him with. These projective tests are

507



widely used, just for the purpose of giving you a picture of the meaning which a person reads into a situation which might have many different meanings. The significance of your interpretation is in terms of your understanding why this particular meaning emerged from this particular person.

\* \* \* \* \*

[588] Q. Dr. Clark, did you reach any general conclusions concerning whether or not practices of segregation impaired the functioning of the subjects of your tests? A. Yes, I did. I reached the general conclusion that—

509 Q. What was the conclusion or what were the conclusions? A. That the practice of segregation as perceived by these youngsters impaired their general functioning as revealed by the results of these tests and the results of my interviews with them.

510 The nature of that impairment seemed clearly indicated by the results in which it is seen that three out of the four youngsters, three out of every four youngsters, who when asked the question "Which of these dolls is likely to act bad?" picked the brown doll. The brown doll to them was associated with all the negative stereotypes which are usually ascribed to Negroes in our culture. This indicated clearly the damage to the self esteem of these youngsters, particularly when you take that fact and put it against the fact that every one of these youngsters when asked to identify himself by one of these [589] dolls by the question "Show me which one is like you," which was the very last question I asked the youngster in these tests—100%, every one of these youngsters picked the brown doll, even youngsters who were quite fair in skin color, which was an understanding of the fact that socially he was most like this brown doll.

Now, when you see that 100% of these youngsters correctly identify themselves with the brown doll, and three out of four of them had made a choice of one of these dolls



171a

*Kenneth Clark—For Plaintiffs—Direct.*

511

when asked "Which one is likely to act bad?" a question which sounds almost innocuous or silly, but which nevertheless pulled this response from these youngsters, I think we have clear-cut evidence of rather deep damage to self esteem of these youngsters, a feeling of inferiority, a feeling of inadequacy—evidence which was further supported by the kind of things which the youngsters said—"I suppose we do act kind of bad. We don't act like white people."

\* \* \* \* \*

[590] Q. As a result of your tests on these children and a result of your knowledge and experience in the field of psychology let's assume that Negro children in the State of Delaware are required by law to attend schools segregated on the basis of color, and all other things being equal—that is, facilities, instructional fields, curricula—would you say that racial segregation in State operated schools either injures or helps the learning process of Negro children? A. On the basis of my research on the effects of minority status and segregation of the Negro people, on the basis of my work for the White House Conference on Children and Youth in which I was required to examine all of the available literature in the field of psychology and sociology which deals with this problem and to prepare a manuscript for use at the conference for the guidance of the individuals who discussed that problem at that conference, I am forced to come to the conclusion that racial segregation as the symbol and the fact of institutionalized prejudice, institutionalized humiliation of these children impairs their functioning.

512

513

It sets up in these children a fundamental conflict, [591] a confusion about the nature of their own person, their self image. It puts them in a struggle to overcome the feelings of inferiority which the society by virtue of these segregation practices continues to impose upon them. It sets up in them self doubt where the evidence suggests that



from a very early age—five or six or seven—Negro children begin to learn to expect from the society some of the society's rejection of them, so that they begin to reject themselves and feel inadequate and feel inferior and feel that certain kinds of things are not for them because they are brown, and some of the things which they imposed upon the brown doll which I presented to them are the things which they really are imposing upon themselves.

\* \* \* \* \*

[592] My survey of the literature and my interpretation of my own results offers no other conclusion than that a child in a segregated school setup does have his ability to learn, since learning is merely another form of functioning—has his ability to function impaired by the constant reminder, which the segregated setup is, of his own inferiority and the stigma which society has placed on him.

\* \* \* \* \*

[612] HARRY B. KING, called as a witness on behalf of the defendants, being first duly sworn, testified as follows:

\* \* \* \* \*

[628] *Cross-examination by Mr. Redding.*

\* \* \* \* \*

[632] Q. Do you know whether or not the use of the room by the nurse substantially interferes with the use of the room by the principal? A. It certainly does not. The principal is occupied all the time.

Q. Is there a comparable room at School 107? A. No.

Q. You testified that there is an auditorium at School 29. Is there a comparable room at School 107? A. May I make an explanation?

The Court: You answer, and then make an explanation.